

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Atty's Dkt: BRO2  
 Christoffer BRO ) Application Division  
 Serial No. 10/536,495 ) **ATTN: PCT**  
 IA Filing Date: November 25, 2003 ) Washington, D.C.  
 For: METABOLICALLY ENGINEERED ... ) Confirmation No.: 6559  
 ) Date: May 10, 2006

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated March 28, 2006. Attached hereto is/are:

- [XX] Search Fee [ ] \$200.00 (Small Entity) [XX] \$400.00 (Large Entity)  
 [XX] Examination Fee [ ] \$100.00 (Small Entity) [XX] \$200.00 (Large Entity)  
 [XX] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information, and priority information.  
 [ ] A Preliminary Amendment [ ] Fees are reduced due to elimination of multiple dependency  
 [ ] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. 1.821-1.825, Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.  
 [XX] An Information Disclosure Statement with 08A-1449 and 17 references.  
 [ ] Application Data Sheet.  
 [ ] Applicant claims small entity status. See 37 C.F.R. 1.27  
 [ ] An exact English language translation of the PCT application as originally filed.  
 [ ] Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages \_\_\_\_ of the specification and new claims \_\_\_\_ to be used for examination.  
 [ ] English translation surcharge in the amount of: \$ 130.00  
 [XX] Surcharge for late filing of the Declaration in the amount of:  
     Small Entity                      Other than Small Entity  
     [ ] \$65.00                      [XX] \$130.00  
 [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
- | Small Entity           | Other Than Small Entity |
|------------------------|-------------------------|
| Response Filed Within  | Response Filed Within   |
| [ ] First - \$ 60.00   | [ ] First - \$ 120.00   |
| [ ] Second - \$ 225.00 | [ ] Second - \$ 450.00  |
| [ ] Third - \$ 510.00  | [ ] Third - \$1,020.00  |
| [ ] Fourth - \$ 795.00 | [ ] Fourth - \$1590.00  |
| [ ] Fifth - \$1,080.00 | [ ] Fifth - \$2,160.00  |
- month after time period set                      month after time period set
- [XX] **Total Fees enclosed: \$730.00**  
 [XX] **Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$730.00 is enclosed to cover the above fees.**  
 [XX] Conditional Petition for Extension of Time:  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.  
 [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:

Iyer P. Cooper  
 Registration No. 28,005

/R.

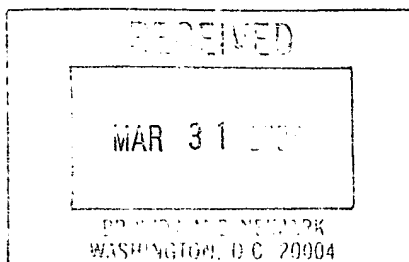


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/536,495	FIRST NAMED APPLICANT Christoffer Bro	ATTY. DOCKET NO. BRO2
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1444  
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WASHINGTON, DC 20001-5303



INTERNATIONAL APPLICATION NO. PCT/EP03/13231	
I.A. FILING DATE 11/25/2003	PRIORITY DATE 11/25/2002

CONFIRMATION NO. 6559  
371 FORMALITIES LETTER



\*OC000000018390709\*

Date Mailed: 03/28/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/25/2005
- Copy of the International Search Report filed on 05/25/2005
- Preliminary Amendments filed on 05/25/2005
- Request for Immediate Examination filed on 05/25/2005
- U.S. Basic National Fees filed on 05/25/2005
- Priority Documents filed on 05/25/2005
- Specification filed on 05/25/2005
- Claims filed on 05/25/2005
- Drawings filed on 05/25/2005

*MSP/IDS/PRI.DOC = 28 MAY 2006*

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$730 for a Large Entity:

- **\$130 Surcharge.**

- The application search fee has not been paid. Applicant must submit **\$400** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/536,495	PCT/EP03/13231	BRO2